REMARKS

Entry of the foregoing, re-examination and reconsideration of the above-identified application, as amended, pursuant to and consistent with 37 C.F.R. § 1.112, and in light of the remarks which follow, are respectfully requested.

By the foregoing amendments, new Claim 62 has been added to recite that the cosmetic composition includes at least one other product which stimulates collagen synthesis and/or at least one other product which stimulates lipid synthesis. New Claims 62-65 are therefore of different scope than Claims 27-41 and 56-61. Support for this amendment is present at least in Claims 32-36 and former Claims 42-46. In addition, Claim 62 recites the "composition [is] suitable for firming of the skin, smoothing of the skin, tightening of the skin, and/or alleviating the effects of menopause on the skin" as recited in Claims 27-31. New Claim 63 has been added to recite certain kinds of products that stimulate collagen and/or lipid synthesis. New Claim 64 has also been added to recite particular plant hormone compounds, as supported at least in the specification at page 7, lines 3-11. New Claim 65 has been further added to recite that the cosmetic composition includes cinnamic acid or a mixture of cinnamic acid and at least one derivative thereof. Support for this aspect of Applicants' invention is present in the specification wherein mixtures of these compounds are described as being suitable. See, e.g., page 5, lines 9-11.

Turning now to the Official Action, Claims 27-31 stand rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Governor et al (EP 0 396 422 A1). In addition, Claims 27-31 have been rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Governor et al. Claims 32-51 have also been rejected under 35 U.S.C. §103(a) as being allegedly obvious over Governor et al in view of Szijjártó née Auber et al (U.S. Patent No. 4,466,961) or Governor

et al in view of McAuslan (WO 88/01166). Applicants respectfully traverse these rejections as they may apply to new Claims 62-65 for at least the following reasons.

The present invention relates to a cosmetic composition which includes cinnamic acid, a derivative of cinnamic acid or a mixture of such compounds. As set forth in new Claims 62-65, the composition includes cinnamic acid or a derivative thereof, a cosmetically acceptable carrier therefor and at least one other product which stimulates collagen synthesis and/or at least one other product which stimulates lipid synthesis.

Governor et al relates to a composition for lightening skin which includes niacinamide or a precursor thereof, a sunscreen chosen from 4-tertiary butyl-4-methoxy dibenzoylmethane, 2-ethyl hexyl methoxy cinnamate or a mixture thereof and a silicone compound. See, e.g., the Abstract.

New Claims 62-65 are allowable over Governor et al, as well as Governor et al in view of Szijjártó née Auber et al and Governor et al in view of McAuslan, for at least the following reasons.

Governor et al and the combinations of Governor et al with the secondary documents fails to disclose or suggest each and every feature of the claimed invention. For example, the claims recite that the cosmetic composition is suitable for firming of the skin, smoothing of the skin, tightening of the skin, and/or alleviating the effects of menopause on the skin. In contrast, Governor et al does not disclose or suggest a cosmetic composition which includes these particular effects. Instead, Governor et al appears to only disclose the use of a sunscreen compound, such as 2-ethyl hexyl methoxy cinnamate (e.g. PARSOL MCX) without indicating that the composition is suitable for firming of the skin, smoothing of the skin, tightening of the

skin, and/or alleviating the effects of menopause on the skin . As such, Governor et al fails to anticipate or render the present claims *prima facie* obvious.

In addition, Applicants note that Claims 32-36 (and former Claims 42-46) reciting that the composition includes at least one other product which stimulates collagen synthesis and at least one other product which stimulates lipid synthesis were not rejected over Governor et al under §§102(b) and 103(a) in the Official Action. These features are now included in Claims 62-65. Accordingly, the §§102(b) and 103(a) rejections based upon Governor et al do not apply to new Claims 62-65.

In the Official Action, it is asserted that Szijjártó née Auber et al and McAuslan suggest the "inclusion of plant hormones to stimulate endothelialization and angiogenesis." Applicants respectfully disagree that these documents render Claims 62-65 *prima facie* obvious in combination with Governor et al for at least the following reasons.

Szijjártó née Auber et al and McAuslan fail to remedy the deficiencies of Governor et al at least for the reason that neither of these documents disclose or suggest the use of at least one other product that stimulates collagen synthesis and at least one other product that stimulates lipid synthesis in conjunction with cinnamic acid or a derivative thereof, according to Applicants' claims. The combinations of these secondary documents with Governor et al therefore also fail to render Applicants' claimed invention *prima facie* obvious.

Szijjártó née Auber et al and McAuslan are furthermore not properly combined with Governor et al to suggest the addition of compounds that stimulate collagen synthesis and/or that stimulate lipid synthesis. Neither of these documents appears to be concerned with this aspect of Applicants' invention and do not suggest the addition of compounds having this effect in a cosmetic composition. Instead, the effect noted in these documents concerns the treatment of

injuries to the skin (Szijjártó née Auber et al) and the use of anti-inflamatory compounds as angiogenesis or endiothelialisation stimulators (McAuslan). By comparison, Governor et al does not indicate any concern for adding compounds which produce these effects. As such, there is no motivation to add compounds such as plant hormones to a composition according to Governor et al, which relates to a composition for lightening skin. Merely because Szijjártó née Auber et al and McAuslan may refer to some benefit does not mean that it would therefore be allegedly obvious to add such compounds to a different composition such as Governor et al's. Absent impermissible hindsight, there is no reason to rely upon Szijjártó née Auber et al and McAuslan to modify Governor et al in the manner proposed in the Official Action.

Applicants note that Szijjártó née Auber et al and McAuslan do not describe the plant hormones referred to therein as stimulating lipid and/or collagen synthesis. There is nothing in these documents to indicate that the plant hormones referred to produce this effect and no apparent reason to consider that all plant hormones would necessarily produce this effect. Accordingly, it cannot be presumed that the proposed combination would produce a cosmetic composition which includes a product that stimulates collagen synthesis and/or a product that stimulates lipid synthesis.

Applicants further submit that angiogenesis and endiothelialisation are related to vascularization of tissues and endothelial tissue, rather than epithelial cells forming skin tissue, and are not apparently related to collagen or lipid synthesis. As such, the proposed combination of McAuslan with Governor et al does not suggest the inclusion of a product that stimulates lipid or collagen synthesis according to Applicants' invention.

For at least the foregoing reasons, withdrawal of the §103(a) rejections based upon Governor et al in view of Szijjártó née Auber et al and McAuslan is respectfully requested.

Claims 17-51 [sic, 27-51] further stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 18-23 of copending Application Serial No. 09/887,073. To the extent that this double patenting may be considered to apply to new Claims 62-65, Applicants respectfully request that this rejection be held in abeyance until such time as allowable subject matter is found in the copending application. In the alternative, should the claims of the instant application be deemed to be allowable, Applicants request withdrawal of the obviousness-type double patenting rejection and allowance of the present application in accordance with MPEP § 804 I-B (page 800-19 of the 8th edition).

Based on the foregoing, in conjunction with the amendments and remarks provided in Applicants' response filed December 31, 2001, it is believed that the present application is in condition for allowance. A Notice of Allowance is earnestly solicited.

If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at his earliest convenience.

Respectfully submitted,

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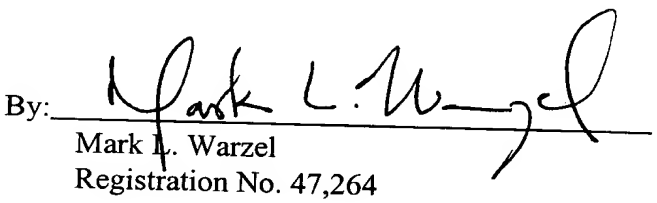
By: 

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